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 Notice of Allowability	Application No.	Applicant(s)	
	09/557,040	ELLIS ET AL.	
	Examiner	Art Unit	
	Jeffrey A. Smith	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amendment of March 10, 2005.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☒ The drawings filed on 21 April 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

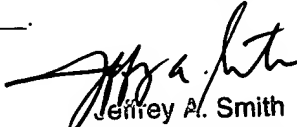
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


 Jeffrey A. Smith
 Primary Examiner



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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Patrick Keane on March 10, 2005.

The application has been amended as follows:

In the Claims

A complete listing of the claims follows and supersedes all previous versions.

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1. (Currently Amended) A system for computer component exchange in a network for executing buy orders for purchasing computer components, wherein the network is electrically connectable to a plurality of owner-processors, the owner-processors having proprietors, at least one proprietor having an ownership interest in the computer component exchange, at least a first owner-processor adaptable to transmit electronic buy orders through the network for purchasing computer components, at least a second owner-processor adaptable to receive buy orders from the network, comprising

an exchange server complex electrically connected to the network; and

an accounting database for storing a plurality of investment instruments comprising shares of ownership interests in the exchange server complex, at least one of the shares associated with the first or the second owner-processor thereby representing the ownership interest in the exchange server complex for the proprietor of the respective owner-processor; and for storing accounting data representing allocation of net profits among the owner-processors that are associated with the shares, the net profits being extracted from fees charged for transactions in the exchange server complex;

wherein the exchange server complex comprises:

- a) a means for receiving one or more buy orders for computer components from the first owner-processor;
- b) a means for matching the one or more buy orders with the second owner-processor;
- c) a means for calculating a fee for matching the buy order with the second owner-processor;

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- d) a means for charging the calculated fee to at least the first or second owner-processor, or to both the first and second processors;
- e) a means for calculating a net profit resulting from charging the calculated fee;
- f) a means for apportioning the net profit based on the number of shares associated with each owner-processor; and
- g) a means for updating the accounting database based on the apportioning of the net profit.

2. (Original) The system of claim 1, wherein the investment instruments comprise incentives for proprietors of the owner-processors to place or receive buy orders with the exchange server complex.

3. (Original) The system of claim 2, wherein computer program includes a means for associating at least one additional share to each owner-processor if the respective owner-processor or the proprietor of the respective owner-processor refers a threshold number of other owner-processors to transmit buy orders to the exchange server complex.

4. (Original) The system of claim 1, wherein the computer program further comprises a means for withdrawing payment for the second owner-processor from an electronic escrow account associated with the first owner-processor after the proprietor of the first owner-processor receives the computer components that the buy order was for.

5. (Original) The system of claim 1, wherein the means for charging the calculated fee comprises a means for electronically

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debiting a bank account associated with the first owner-processor.

6. (Original) The system of claim 1, wherein the means for charging the calculated fee comprises a means for electronically debiting a bank account associated with the second owner-processor.

7. (Original) The system of claim 1, wherein the means for charging the calculated fee comprises a means for electronically debiting a first bank account associated with the first owner-processor and a second bank account associated with the second owner-processor.

8. (Original) The system of claim 1, wherein the means for apportioning comprises a means for electronically crediting a bank account associated with each of the plurality of owner-processors that are associated with shares based on the number of shares associated with each respective owner-processor.

9. (Original) The system of claim 1, wherein the means for matching comprises a matching software module that is executable on the exchange server complex for matching a set of requirements in the buy order with the second owner-processor if the second owner-processor indicates that a proprietor of the second owner-processor is able to supply computer components that meet the set of requirements.

10. (Original) The system of claim 9, wherein the set of requirements are in an electronic commerce standard format.

11. (Currently Amended) The system of claim 10, wherein the electronic commerce standard format comprises a bill of

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materials format ~~as described by~~ wherein the format is
ROSETTANET.

12. (Original) The system of claim 11, comprising a means for referring either of the first or second owner-processors to a value added service.

13. (Original) The system of claim 12, wherein the computer program is for charging a referral fee to the value added service when either of the first or second owner-processors are referred to the value added service.

14. (Original) The system of claim 13, wherein the means for apportioning is further for apportioning the fee received from the value added service as part of the net profit among the owner-processors based on the number of shares associated with each owner-processor.

15. (Original) The system of claim 14, wherein the value added service comprises a computer component shipping agent for providing transportation of the computer components that are for the buy order, the computer components being shipped from a proprietor of the second owner-processor to the proprietor of the first owner-processor.

16. (Original) The system of claim 1, further comprising a means for publishing statistics based on a plurality of buy orders received from a plurality of owner-processors that are each matched with at least one other owner-processor.

17. (Original) The system of claim 16, wherein the means for publishing is an electronic ticker tape for display on an attached monitor of one or more of the owner-processors for

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informing a proprietor of each respective owner-processor of closing prices per unit by type of computer component in the latest buy order in time that was matched with an owner-processor for each type of computer component.

18. (Currently Amended) In an exchange server complex for computer component exchange in a network, a method for executing buy orders for purchasing computer components, wherein the network is electrically connectable to a plurality of owner-processors, the owner-processors having proprietors, at least one proprietor having an ownership interest in the computer component exchange, wherein each of the plurality of owner-processors are capable of being associated with one or more shares representing the respective proprietor's ownership in the exchange server complex, at least a first owner-processor adaptable to transmit electronic buy orders through the network for purchasing computer components, at least a second owner-processor adaptable to receive buy orders from the network, the method comprising the steps of:

- receiving one or more buy orders for computer components from the first owner-processor;

- matching the one or more buy orders with a second owner-processor using a computer;

- calculating a fee, using a computer, for matching the buy order with the second owner-processor;

- charging the calculated fee to at least the first or second owner-processor, or to both the first and second owner-processors;

- calculating a net profit resulting from charging the calculated fee; and

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apportioning the net profit based on the number of shares associated with each owner-processor.

19. (Original) The method of claim 18, comprising providing incentives for the proprietors of each of the owner-processors to place or receive buy orders with the exchange server complex by associating one or more shares with the owner-processors that place or receive a threshold number of buy orders.

20. (Original) The method of claim 18, comprising withdrawing payment for the second owner-processor from an electronic escrow account associated with the first owner-processor after the proprietor of the first owner-processor receives the computer components that the buy order was for.

21. (Original) The method of claim 18, wherein the step of charging the calculated fee comprises electronically debiting a bank account associated with the first owner-processor.

22. (Original) The method of claim 18, wherein step of charging the calculated fee comprises electronically debiting a bank account associated with the second owner-processor.

23. (Original) The method of claim 18, wherein the step of charging the calculated fee comprises electronically debiting a first bank account associated with the first owner-processor and a second bank account associated with the second owner-processor.

24. (Original) The method of claim 18, wherein the step of matching comprises matching a set of requirements in the buy

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order with the second owner-processor if the second owner-processor indicates that a proprietor of the second owner-processor is able to supply computer components that meet the set of requirements.

25. (Original) The method of claim 24, wherein the set of requirements are in an electronic commerce standard format.

26. (Currently Amended) The method of claim 25, wherein the electronic commerce standard format comprises a bill of materials format ~~as described by~~ wherein the format is ROSETTANET.

27. (Original) The method of claim 18, comprising referring either the first, second or both the first and second owner-processors to a value added service.

28. (Original) The method of claim 27, comprising charging a referral fee to the value added service after the step of referring.

29. (Original) The method of claim 28, comprising apportioning the fee received from the value added service as part of the net profit among the owner-processors based on the number of shares associated with each owner-processor.

30. (Original) The method of claim 29, wherein the value added service comprises a computer component shipping agent for providing transportation of the computer components that are for the buy order, the computer components being shipped from a proprietor of the second owner-processor to the proprietor of the first owner-processor.

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31. (Original) The method of claim 18, comprising publishing statistics based on a plurality of buy orders received from a plurality of the owner-processors that are each matched with at least one other owner-processor, wherein the step of publishing comprises presenting an electronic ticker tape for display on an attached monitor of one or more of the owner-processors for informing a proprietor of each respective owner-processor of closing prices per unit by type of computer component in the latest buy order in time that was matched with an owner-processor for each type of computer component.

32. (Original) The method of claim 18, wherein the step of apportioning comprises electronically crediting a bank account associated with each of the plurality of owner-processors that are associated with shares based on the number of shares associated with each respective owner-processor.

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Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Regarding claim 1

The prior art of record neither anticipates nor fairly and reasonably teaches a system for executing buy orders for purchasing computer components, comprising, *inter alia*, an exchange server complex electrically connected to the network; and an accounting database for storing a plurality of investment instruments comprising shares of ownership interests in the exchange server complex, at least one of the shares associated with the first or the second owner-processor thereby representing the ownership interest in the exchange server complex for the proprietor of the respective owner-processor; and for storing accounting data representing allocation of net profits among the owner-processors that are associated with the shares, the net profits being extracted from fees charged for transactions in the exchange server complex; wherein the exchange server complex comprises, *inter alia*:

- a) a means for receiving one or more buy orders for computer components from the first owner-processor;
- b) a means for matching the one or more buy orders with the second owner-processor;
- c) a means for calculating a fee for matching the buy order with the second owner-processor;
- d) a means for charging the calculated fee to at least the first or second owner-processor, or to both the first and second processors;

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- e) a means for calculating a net profit resulting from charging the calculated fee;
- f) a means for apportioning the net profit based on the number of shares associated with each owner-processor; and
- g) a means for updating the accounting database based on the apportioning of the net profit.

Claim 18 is directed to a method which parallels the functionality of the system claim.

Of particular interest is Hawkins et al. (U.S. Patent No. 6,029,146). Hawkins et al. discloses a broker-to-broker matching electronic trading confirmation system. The Hawkins et al. invention relates to a system and method for electronically trading securities between brokers. The system and method manages settlements whereby the broker can specify the beneficiary of the traded instrument, the payment amount, the beneficiary of money, the account for charges, etc...(col. 14, line 58-col. 15, line 12). In contrast, the instant invention is directed to a system and method in which buy orders for computer components are matched with a second owner-processor. On a higher level, the system and method additionally involves the charging of a fee associated with the match. A net profit resulting from the charge is apportioned based on shares associated with each owner-processor. Accordingly, the instant

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shares are ownership instruments in the exchange server complex itself and the accounting database stores accounting data representing allocation of net profits among the owner-processors that are associated with the shares. Although various prior art references teach exchanges which match buy order. These matches are for neither computer components nor for trading instruments representative of an ownership interest in the exchange server complex itself.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

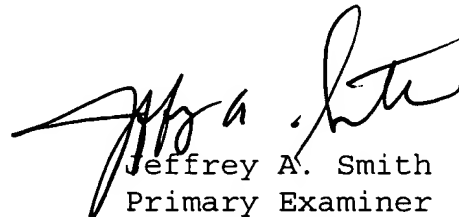
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Smith
Primary Examiner
Art Unit 3625

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